

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RYAN T. HALLIGAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-02693-JPH-TAB
	)	
IHS PHARMACY,	)	
	)	
Defendant.	)	

**Order Directing Entry of Final Judgment**

Plaintiff Ryan T. Halligan brought this civil rights action against IHS Pharmacy after he received the wrong medication from the pharmacy on one occasion. The Court dismissed Mr. Halligan's complaint pursuant to 28 U.S.C. § 1915A(b) because he did not allege that his injuries resulted from an unconstitutional policy or practice of the pharmacy and because his allegations in support of his state-law claims were insufficient to support diversity jurisdiction. The Court gave Mr. Halligan an opportunity to show cause why final judgment should not be issued. Dkt. 10. He responded by filing an amended complaint. Dkt. 12. However, the amended complaint does not correct the deficiencies noted in the Court's previous Order. For the reasons discussed below, this action is dismissed for failure to state a claim and for lack of jurisdiction.

Mr. Halligan's amended complaint alleges that defendant IHS Pharmacy failed to train its employees to properly sort medications into blister packs. IHS Pharmacy "can be held liable under a theory of failure to train if it has actual knowledge of a pattern of criminally reckless conduct and there is an obvious need to provide training to avert harm, even if the prior acts have yet to result in tragedy." *Flores v. City of S. Bend*, 997 F.3d 725, 733 (7th Cir. 2021). Mr. Halligan has not alleged that IHS Pharmacy has actual knowledge of a pattern of criminally reckless conduct.

Instead, his allegations of a one-time medication mix-up may support a state-law negligence claim.  
*See id.* at 731.

Mr. Halligan's amended complaint still fails to invoke diversity jurisdiction because he has reduced his demand for relief to \$50,000.

For these reasons, this action is properly dismissed pursuant to 28 U.S.C. § 1915A. Judgment dismissing this action with prejudice as to the plaintiff's federal claims, and without prejudice as to his state law claims, shall now issue.

**SO ORDERED.**

Date: 3/8/2022



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

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